

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1067 be amended to read as follows:

- 1 Page 11, between lines 41 through 42, begin a new paragraph and
- 2 insert:
- 3 "SECTION 7. IC 6-9-35 IS ADDED TO THE INDIANA CODE AS
- 4 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY**
- 5 **1, 2000]:**
- 6 **Chapter 35. Orange County Innkeeper's Tax**
- 7 **Sec. 1. (a) This chapter applies to a county having a population**
- 8 **of more than eighteen thousand three hundred (18,300) but less**
- 9 **than eighteen thousand five hundred (18,500) that adopted an**
- 10 **innkeeper's tax under IC 6-9-18 before July 1, 2000.**
- 11 **(b) The:**
- 12 **(1) convention, visitor, and tourism promotion fund;**
- 13 **(2) convention and visitor commission;**
- 14 **(3) innkeeper's tax rate; and**
- 15 **(4) tax collection procedures;**
- 16 **established under IC 6-9-18 before July 1, 2000, remain in effect**
- 17 **and govern the county's innkeeper's tax through June 30, 2000.**
- 18 **After June 30, 2000, this chapter governs the county's innkeeper's**
- 19 **tax. However, the tax rate and tax collection procedures adopted**
- 20 **under IC 6-9-18 remain in effect after June 30, 2000, unless the**
- 21 **rate or collection procedures are amended by an ordinance**
- 22 **adopted under this chapter.**
- 23 **(c) A member of the convention and visitor commission**
- 24 **established by the county under IC 6-9-18 before July 1, 2000, shall**

1 serve a full term of office. If a vacancy occurs, the appointing
2 authority shall appoint a qualified replacement as provided under
3 this chapter. The appointing authority shall make other subsequent
4 appointments to the commission as provided under this chapter.

5 Sec. 2. As used in this chapter, "executive" has the meaning set
6 forth in IC 36-1-2-5.

7 Sec. 3. As used in this chapter, "fiscal body" has the meaning set
8 forth in IC 36-1-2-6.

9 Sec. 4. As used in this chapter, "gross retail income" has the
10 meaning set forth in IC 6-2.5-1-5.

11 Sec. 5. As used in this chapter, "person" has the meaning set
12 forth in IC 6-2.5-1-3.

13 Sec. 6. (a) The fiscal body of a county may levy a tax on every
14 person engaged in the business of renting or furnishing, for periods
15 of less than thirty (30) days, any room or rooms, lodgings, or
16 accommodations in any:

- 17 (1) hotel;
- 18 (2) motel;
- 19 (3) boat motel;
- 20 (4) inn;
- 21 (5) college or university memorial union;
- 22 (6) college or university residence hall or dormitory; or
- 23 (7) tourist cabin;

24 located in the county.

25 (b) The tax does not apply to gross income received in a
26 transaction in which:

- 27 (1) a student rents lodgings in a college or university residence
28 hall while that student participates in a course of study for
29 which the student receives college credit from a college or
30 university located in the county; or
- 31 (2) a person rents a room, lodging, or accommodations for a
32 period of thirty (30) days or more.

33 (c) The tax may not exceed the rate of five percent (5%) on the
34 gross retail income derived from lodging income only and is in
35 addition to the state gross retail tax imposed under IC 6-2.5.

36 (d) The county fiscal body may adopt an ordinance to require
37 that the tax be reported on forms approved by the county treasurer
38 and that the tax shall be paid monthly to the county treasurer. If
39 such an ordinance is adopted, the tax shall be paid to the county
40 treasurer not more than twenty (20) days after the end of the
41 month in which the tax is collected. If such an ordinance is not
42 adopted, the tax shall be imposed, paid, and collected in exactly the
43 same manner as the state gross retail tax is imposed, paid, and
44 collected under IC 6-2.5.

45 (e) All of the provisions of IC 6-2.5 relating to rights, duties,
46 liabilities, procedures, penalties, definitions, exemptions, and
47 administration are applicable to the imposition and administration

of the tax imposed under this section except to the extent those provisions are in conflict or are inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(f) If the tax is paid to the department of state revenue, the amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

Sec. 7. (a) If a tax is levied under section 6 of this chapter, the county treasurer shall establish a convention, visitor, and tourism promotion fund. The county treasurer shall deposit in this fund all amounts the county treasurer receives under that section.

(b) In a county in which a commission has been established under section 8 of this chapter, the county auditor shall issue a warrant directing the county treasurer to transfer money from the convention, visitor, and tourism promotion fund to the commission's treasurer if the commission submits a written request for the transfer.

(c) Money in a convention, visitor, and tourism promotion fund, or money transferred from such a fund under subsection (b), may be expended only to promote and encourage conventions, visitors, and tourism within the county. Expenditures under this subsection may include, but are not limited to, expenditures for advertising, promotional activities, trade shows, special events, and recreation.

Sec. 8. (a) If a tax is levied under section 6 of this chapter, the county executive shall create a commission to promote the development and growth of the convention, visitor, and tourism industry in the county. If two (2) or more adjoining counties desire to establish a joint commission, the counties shall enter into an agreement under IC 36-1-7.

(b) A commission established under this section consists of the following seven (7) members:

(1) Four (4) members appointed by the executive of a municipality in which seventy-five percent (75%) or more of the tax revenue collected under IC 6-9-18 was collected.

(2) Two (2) members appointed by the county executive.

(3) One (1) member appointed by the executive of the largest municipality located in the county.

(c) A simple majority of the members appointed under this section must be:

(1) engaged in a convention, visitor, or tourism business; or

(2) involved in or promoting conventions, visitors, or tourism.

If available and willing to serve, at least two (2) of the members

1 must be engaged in the business of renting or furnishing rooms,
 2 lodging, or accommodations (as described in section 6 of this
 3 chapter). Not more than one (1) member may be affiliated with the
 4 same business entity. Not more than a simple majority of the
 5 members may be affiliated with the same political party. Each
 6 member must reside in the county.

7 (d) All terms of office of commission members begin on January
 8 1. Initial appointments must be for staggered terms, with
 9 subsequent appointments for two (2) year terms. A member whose
 10 term expires may be reappointed to serve another term. If a
 11 vacancy occurs, the appointing authority shall appoint a qualified
 12 person to serve for the remainder of the term. If an initial
 13 appointment is not made by February 1 or a vacancy is not filled
 14 within thirty (30) days, the commission shall appoint a member by
 15 majority vote.

16 (e) A member of the commission may be removed for cause by
 17 the member's appointing authority.

18 (f) Members of the commission may not receive a salary.
 19 However, commission members are entitled to reimbursement for
 20 necessary expenses incurred in the performance of their respective
 21 duties.

22 (g) Each commission member, before entering the member's
 23 duties, shall take an oath of office in the usual form, to be endorsed
 24 upon the member's certificate of appointment and promptly filed
 25 with the clerk of the circuit court of the county.

26 (h) The commission shall meet after January 1 for the purpose
 27 of organization. It shall elect one (1) of its members president,
 28 another vice president, another secretary, and another treasurer.
 29 The members elected to those offices shall perform the duties
 30 pertaining to the offices. The first officers chosen shall serve from
 31 the date of their election until their successors are elected and
 32 qualified. A majority of the commission constitutes a quorum, and
 33 the concurrence of a majority of the commission is necessary to
 34 authorize any action.

35 Sec. 9. (a) The commission may:

36 (1) accept and use gifts, grants, and contributions from any
 37 public or private source, under terms and conditions that the
 38 commission considers necessary and desirable;

39 (2) sue and be sued;

40 (3) enter into contracts and agreements;

41 (4) make rules necessary for the conduct of its business and
 42 the accomplishment of its purposes;

43 (5) receive and approve, alter, or reject requests and
 44 proposals for funding by corporations qualified under
 45 subdivision (6);

46 (6) after its approval of a proposal, transfer money, quarterly
 47 or less frequently, from the fund established under section

7(a) of this chapter, or from money transferred from that fund to the commission's treasurer under section 7(b) of this chapter, to an Indiana nonprofit corporation to promote and encourage conventions, visitors, or tourism in the county; and (7) require financial or other reports from a corporation that receives funds under this chapter.

(b) All expenses of the commission shall be paid from the fund established under section 7(a) of this chapter or from money transferred from that fund to the commission's treasurer under section 7(b) of this chapter. The commission shall annually prepare a budget, taking into consideration the recommendations made by a corporation qualified under subsection (a)(6) and submit it to the county fiscal body for its review and approval. An expenditure may not be made under this chapter unless it is in accordance with an appropriation made by the county fiscal body in the manner provided by law.

Sec. 10. All money coming into possession of the commission shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money coming into possession of the commission is subject to audit and supervision by the state board of accounts.

Sec. 11. (a) A member of the commission who knowingly approves:

(1) the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) a transfer for a purpose not permitted under law; commits a Class D felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a Class D felony."

Page 12, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2000] (a) This SECTION applies to a commission to promote and encourage conventions, visitors, and tourism established under IC 6-9-35-8, as added by this act.

(b) This SECTION provides the procedure for the transition to a commission with membership appointed under IC 6-9-35-8, as added by this act.

(c) Each member of the commission who was appointed before July 1, 2000, may continue to serve on the commission until the normal expiration of the member's term. However, upon the expiration of a member's term, each vacancy shall be filled by appointment as follows:

(1) The first three (3) vacancies for members appointed by the county executive and the vacancy for a member appointed by the municipality in the county in which more than fifty

- 1 **percent (50%) of the revenue was collected under IC 6-9-18**
2 **shall be filled by appointment under IC 6-9-35-8(b)(1), as**
3 **added by this act.**
4 **(2) The fourth and fifth vacancies for members appointed by**
5 **the county executive shall be filled by appointment under**
6 **IC 6-9-35-8(b)(2), as added by this act.**
7 **(3) The vacancy for a member appointed by the largest**
8 **municipality in the county shall be filled by appointment**
9 **under IC 6-9-35-8(b)(3), as added by this act.**
10 **(d) This SECTION expires December 31, 2003."**
11 Renumber all SECTIONS consecutively.
 (Reference is to HB 1067 as printed January 28, 2000.)

Representative Denbo